

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID R. KITTAY, TRUSTEE,

Plaintiff,

- against -

JOSEPH KORFF,

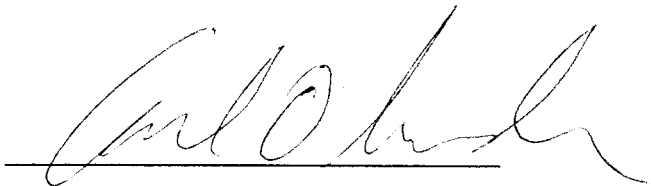
Defendant.
-----X

08 Civ. 07421 (RPP)

NOTICE OF APPEAL

Notice is hereby given that JOSEPH KORFF, defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the final judgment entered in this action on February 17, 2011, and all underlying orders, decisions and rulings affecting the judgment. A copy of the February 17, 2011 judgment is attached hereto.

Dated: March 3, 2011
New York, New York



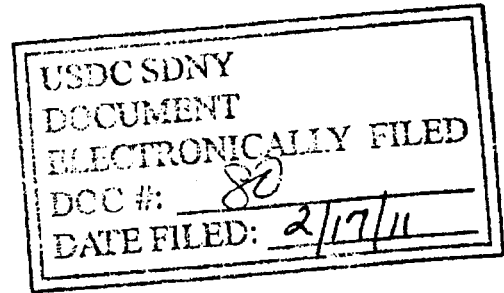
Carl W. Oberdier (CO-4150)
SCHIFF HARDIN LLP
900 Third Avenue
New York, New York 10022
Telephone: (212) 753-5000
Facsimile: (212) 753-5044
coberdier@schiffhardin.com

Counsel for Defendant Joseph Korff

Patterson, J

*J
2/17/11*

BIJAN AMINI – [BA 3533]
LITA BETH WRIGHT – [LW 0442]
BONNIE A. TUCKER – [BT 8340]
STORCH AMINI & MUNVES PC
2 Grand Central Tower, 25th Floor
140 East 45th Street
New York, New York 10017
Telephone: (212) 490-4100
Facsimile: (212) 490-4208
Attorneys for Plaintiff
David R. Kittay, Trustee



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID R. KITTAY, TRUSTEE,

Plaintiff,

- against -

JOSEPH KORFF,

Defendant.
-----X

08 Civ. 7421 (RPP)

JUDGMENT

#11,0305

This action having been tried before the Court and a jury commencing on October 25, 2010, Honorable Robert P. Patterson, Jr., District Judge, presiding, and the issues having been duly tried, and the jury having rendered its verdict on October 28, 2010:

IT IS ORDERED AND ADJUDGED AND DECREED, that

(a) The \$300,000.00 transfer by Douglas E. Palermo, the Debtor, to Defendant Joseph Korff on or about July 29 2010, subject to the judgment entered herewith, is hereby declared to have been fraudulent pursuant to New York Debtor Creditor Law §§ 273, 274, 275, 276 and 276-a and 11 U.S.C. §§ 544(b) and 550; and

(b) Plaintiff David R. Kittay, as Trustee of the Chapter 7 Bankruptcy Estate of Douglas E. Palermo, shall recover of defendant Joseph Korff, the sum of \$300,000.00; and

(c) Plaintiff's claims for an accounting and turnover pursuant to 11 U.S.C. § 542 are deemed moot by the verdict rendered by the jury; and

(d) Plaintiff's motion for pre-judgment interest, pursuant to FED. R. CIV. P. 59(e), dated February 7, 2011 is granted and the Clerk shall calculate and enter judgment with pre-judgment interest on all sums awarded herein from July 29, 2004 at the statutory rate of nine percent per annum provided in the New York Civil Practice Law and Rules § 5004 in the amount of \$ 177,090.41; and

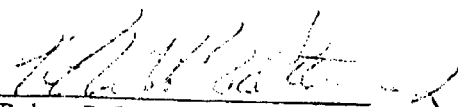
(e) This judgment is entered without prejudice to Plaintiff's February 3, 2011 motion for attorneys' fees pursuant to New York Debtor and Creditor Law § 276-a currently pending before this Court; and

(f) Nothing herein shall prohibit Plaintiff from submitting a Bill of Costs pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York 54.1; and

(g) The Clerk shall calculate and enter judgment with, post-judgment interest on all sums awarded herein at the statutory rate provided in 28 U.S.C. §1961.

ENTERED this 16 day of February, 2011.

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 2/17/11


Robert P. Patterson, Jr., U.S.D.J.